

# **EXHIBIT A**

**From:** Goldberg, Seth A.

**Sent:** Thursday, October 8, 2020 3:42 PM

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**Subject:** RE: Valsartan- Class Representative Discovery

Counsel:

As you requested during our meet-and-confer call yesterday, attached is a list of the documents included in our draft Rule 34 requests that we believe are not duplicative of the document requests in the consumer and TPP PFS. If you disagree, and believe any of the listed documents are duplicative of the PFS requests, please identify them and confirm that your clients both searched for and produced these specific documents.

Seth

  
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**DEFENDANTS' MEET-AND-CONFER  
SUMMARY OF REQUESTS FOR PRODUCTION**

**Consumer Representatives**

- **Warranties:** Documents reflecting any express warranty you claim any defendant breached.
- **Notices:** Communications giving notice to any defendant that it breached a warranty.
- **Insurance:** Your insurance policies, summaries of benefits, summary plan descriptions, formularies or preferred drug lists, subscriber certificates, and descriptions or schedules of copayments for all plans that paid or reimbursed for VCDs during the relevant time period.
- **Deductibles:** Documents showing that you met your annual “out-of-pocket” maximum or health benefit deductible for any year during the relevant time period.
- **Physical Injury:** If you are claiming any bodily injury or damage to property, documents relating to such damages.
- **Diminished Effectiveness:** If you are claiming diminished effectiveness of your VCDs, documents relating to such damages.
- **Class Certification:** To the extent not otherwise produced, all documents you contend support your “Class Action Allegations” (ELMC ¶¶ 413-425).
- **Disclosure of Financial Interests:** Any agreement or communication between you and any other person relating to your (or their) financial interest in this case, including any indemnification or litigation finance agreements.
- **Damages:** Documents that reflect your alleged out of pocket damages, the amount of any alleged diminution in value of the VCDs, and/or the value of the loss of benefit of any alleged bargain you claim to have made with any defendant regarding the VCDs.

**TPP Representatives**

- **Insurance Plans:** The Plan Documents, Summary Plan Descriptions, Group Insurance Policies, and Summaries of Benefits for all plans which serve as a basis for any damages you are claiming.
- **Pharmacy Benefits Management and Plan Administration Agreements:** All contracts or agreements between you (or any assignor) and any PBM or plan administrator regarding how pharmacy benefits would be administered or paid out under any plan. This request excludes the Summacare and Emblem agreements previously produced.
- **Transaction Prices:** Documents reflecting the gross price you (or an assignor) paid to cover the costs of VCDs or alternative blood pressure medications, and any related discounts, rebates, or fees you (or an assignor) received or paid.
- **Insured Records:** For every insured person who obtained VCDs under any plan or policy serving as a basis for any damages you are claiming, that person’s plan, policy, summary of benefits, summary plan description, and group insurance policy (as applicable), and documents showing what the insured actually paid for VCDs or other blood pressure medications.
- **Formularies:** All formularies and preferred drug lists for each of your assignors not previously produced, and all documents reflecting how you (or any assignor) determined whether, or where, any VCDs or other blood pressure medications would appear on any formulary.

- ***Payment Terms:*** The payment or co-payment terms applicable to each tier of the formulary/preferred drug list for all insureds on any plan or group insurance policy serving as the basis for any damages you are claiming.
- ***Safety Assessments:*** Evaluations or statements regarding the safety or purity of any VCDs undertaken or obtained by you or any assignor.
- ***Alternatives:*** Documents discussing alternative medications that you or your assignors could provide coverage for in lieu of VCDs.
- ***Warranties:*** Documents reflecting any express warranty you claim any defendant breached.
- ***Notices:*** Communications giving notice to any defendant that it breached a warranty.
- ***Damages:*** Documents that reflect your alleged out of pocket damages, the amount of any alleged diminution in value of the VCDs, and/or the value of the loss of benefit of any alleged bargain you claim to have made with any defendant regarding the VCDs.